

# Regulation

Once legislation is enacted, regulations, which are written by an executive agency, provide more specific guidance on how the legislation will be interpreted and implemented (e.g., how grants will be structured, how a program will be coordinated). The public often is able to provide comments on draft regulations before they are finalized. This section will help you plan for providing comments on draft regulations. It poses important considerations and questions designed to help you make key decisions, design effective strategies, and identify next steps in a comprehensive action plan to promote the development of regulations that advance your program objectives.

This section of the Policy Action Guide will walk you through the key aspects of an initiative to provide comments on draft regulations, including:

- Understanding the Context and Process
- Who Should Be Involved
  - Establishing Leadership
  - Identifying Partners
- What Needs to Be Done
  - Obtaining Input and Building Support
  - Developing the Comments
  - Developing Outreach and Implementation Strategies
  - Identifying Resources

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**Regulation** – A legal document that outlines how an executive agency will implement legislation. The process of developing regulations may be referred to as rulemaking.

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**Reminder:** As you proceed, keep in mind your initial policy objectives and how they apply to the rulemaking process.

## Understanding the Context and Process

Each government agency may have a different approach to drafting regulations and accepting, responding to, and incorporating comments on the draft. It may be possible to provide comments in writing, online, through public meetings or hearings, or by informal contacts with agency staff. You will need to understand the established regulation procedures and format, the mechanisms for providing input, and the timelines, and then align your strategies accordingly. It also is important to look broadly at the context within which the legislation has been enacted (e.g., committee reports) and consider how the proposed regulations may affect and be affected by other existing policies and practices. Remember, the window for submitting input is typically short, so you will need to move quickly. If possible, you may want to contact the agency before the regulations have been drafted and follow-up with them after comments have been submitted.



**Important considerations for understanding and planning for the rulemaking process include:**

- For what legislation or other policy is there an opportunity to provide comments?
- Is there any documentation of legislative intent or history that needs to be taken into account when commenting on the draft regulation?
- Which government agency has responsibility for developing the regulation? Do you or any of your partners have a good working relationship with that agency?
- Have you familiarized yourself with the established process for submitting comments on proposed regulations? What is the timeframe for doing so?
- Have you had previous contact—formally or informally—with the government agency about this issue (e.g., input on the legislation itself, suggestions for the regulations)? If not, are you able to do so before the draft regulations are released for comment?

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**Please respond to the following:**

1. What is the legislation for which the regulations are being drafted? If there are any records of legislative intent or history, are there key points that support your comments?
2. Based on the agency's stated procedures, what are the key action steps for submitting comments? What is the timeline?
3. Describe any previous contact made with the government agency about the regulations or this issue in general.
4. What other considerations, decisions, or next steps need to be addressed to successfully understand and work within the rulemaking process?



## Resources

- [California Evidence-Based Clearinghouse for Child Welfare](#)
- [Laws and Policies](#) – Child Welfare Information Gateway
- [Laws and Policies](#) – U.S. Department of Health and Human Services, Administration for Children and Families
- [Laws and Policies That Promote Systems of Care](#) – Child Welfare Information Gateway
- [National Conference of State Legislatures](#) – Provides information about State and Federal legislation and resources on a variety of issue areas.
- [Promising Practices Network on Children, Families and Communities](#)
- [State and Local Government on the Net](#)
- [THOMAS](#) – Library of Congress, Information about Federal legislation.

## Who Should Be Involved

Determining the right people and organizations to be involved, as well identifying who will serve as leaders, are key components of any policy initiative. In the case of regulations, a single organization may operate alone in submitting comments or it may join with others to provide more comprehensive support for its position. While one individual may direct the identification and recruitment of partners, another may emerge to draft the comments and/or oversee the submission process.

## Establishing Leadership

Effective leadership is crucial to any successful policy initiative. When responding to draft regulations, a policy initiative leader may need to organize stakeholders, find common ground for developing comments, or organize an effort by multiple stakeholders to submit consistent comments.



**The following are important considerations when selecting the appropriate leader:**

- Does the proposed leader have experience with the rulemaking process?
- Does the proposed leader have a pre-existing relationship with the applicable government agency? If so, is it positive?
- Is the proposed leader an authority on the issue? Does he or she understand the applicable legislation?

**Please respond to the following:**

**1. Who will lead the development of the comments on the proposed regulations?**

**2. What are the leader's responsibilities?**

3. What other considerations, decisions, or next steps need to be addressed to establish leadership for your response to the draft regulations?



### Resources

- [The Center for Community Leadership](#)
- [The Community Toolbox](#) – University of Kansas, Work Group for Community Health and Development. See Part E for information about leadership, management, and group facilitation.
- [Leadership Guidance](#) (PDF – 239 KB) – American Public Human Services Association, Positioning Public Child Welfare Guidance
- [Leadership in the Improving Child Welfare Outcomes through Systems of Care Initiative](#) (PDF – 573 KB) – U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau
- [Leadership Resources](#) – Child Welfare Information Gateway
- [National Child Welfare Leadership Institute](#)
- [Systems of Care Infrastructure Toolkit: Governance](#) – National Technical Assistance and Evaluation Center for Systems of Care

## Identifying Partners

Partners may want to participate to varying degrees, from providing you with information to include in your organization’s comments to submitting their own set of comments in a unified effort. You should attempt to include partners from all stakeholder groups, such as key agencies affected by the legislation, staff from multiple levels within your organization, families and youth, and community members.



### Important considerations for choosing the appropriate partners include:

- Are there potential partners that have expertise in this particular issue area and the rulemaking process?
- Are stakeholders from all groups that will be affected by the legislation included as partners? Have you included representation of:
  - Family and community members (e.g., youth, parents, foster parents)
  - Staff (e.g., child welfare workers, supervisors, child and family organization staff)
- Have you considered identifying and engaging groups that could oppose your efforts in order to help overcome future barriers?
- What resources are needed? What are the resources that each partner can provide (e.g., expertise, labor hours)? Where are the gaps? What needs to be done to engage additional partners that can fill the gaps and provide needed resources or assistance?
- How do potential partners work together? Is there a history of collaboration?

Please respond to the following:

1. Potential Partners

Name of individual or organization	Affiliation (if an individual)	Current or prospective partner?	Role in the policy initiative	Resources (e.g., expertise, funding) the partner can provide

2. What other considerations, decisions, or next steps need to be addressed to identify and recruit potential partners for the response to the draft regulations?



## Resources

- **Building and Sustaining Child Welfare Partnerships** (PDF – 595 KB) – National Technical Assistance and Evaluation Center for Systems of Care
- **Collaboration** – National Child Welfare Resource Center for Organizational Improvement
- **Community Partnerships: Improving the Response to Child Maltreatment** – U.S. Department of Health and Human Services, Children’s Bureau, Office on Child Abuse and Neglect. Chapter 3 describes how to build and sustain community partnerships, including selecting partners.
- **The Community Toolbox** – University of Kansas, Work Group for Community Health and Development. See Chapter 9 for information about establishing a team to create and run your initiative.
- **Interagency and Cross System Collaboration** – Child Welfare Information Gateway
- **Interagency Collaboration** – National Technical Assistance and Evaluation Center for Systems of Care
- **Promising Practices: Building Collaboration in Systems of Care** (PDF – 372 KB) – University of South Florida, Louis de la Parte Florida Mental Health Institute, Research and Training Center for Children’s Mental Health
- **2007 CFSR Toolkit for Youth Involvement: Engaging Youth in the Child and Family Services Review** (PDF – 3,119 KB) – National Child Welfare Resource Center for Organizational Improvement and the National Child Welfare Resource Center for Youth Development

## What Needs To Be Done

The specific action steps for a policy initiative will vary, depending on several factors, including the issue, the locality, and established procedures for writing regulations and obtaining comments. It also may be shaped by the assessment presented earlier in the Policy Action Guide. When trying to affect policy through regulations, however, there are certain general steps that should be incorporated:

- Obtaining input and building support
- Developing the recommendations
- Planning outreach and implementation strategies
- Identifying resources

## Obtaining Input and Building Support

Before developing your comments and recommendations for the regulations, it will be valuable to collect input from a variety of stakeholders and populations that may be affected by the legislation to understand varying perspectives. Given the short timelines for submitting comments, input will usually need to be gathered quickly.



**Important considerations for obtaining input and building support for regulations include:**

- How will you let various stakeholder groups know about the opportunity to provide comments on the regulation?
- How will you solicit and incorporate input from populations that will be affected by the legislation (e.g., youth, family members, community members)?

**Please respond to the following:**

1. Who needs to be contacted about the opportunity to comment and how will their input be collected?

Stakeholder group	How will their input be collected?

2. What other considerations, decisions, or next steps need to be addressed to obtain input from and build support among key stakeholder groups?



### Resources

- **Building Community Support** – Child Welfare Information Gateway
- **The Community Toolbox** – University of Kansas, Work Group for Community Health and Development. See Part B, which includes information about obtaining input from stakeholders; Part C, which provides information about promoting interest in community issues and encouraging the involvement of diverse groups; and Part I, which includes information about using the media to promote a cause.
- **Integrating Systems of Care: Improving Quality of Care for the Most Vulnerable Children and Families** (PDF – 534 KB) – Child Welfare League of America. See Chapter 2 for information about engaging youth, families, and communities in systems integration.
- **Leadership in Systems of Care: Creating and Communicating a Shared Vision** (PDF – 565 KB) – National Technical Assistance and Evaluation Center for Systems of Care
- **Mobilizing Others** – National Alliance to End Homelessness
- **Mobilizing Through Social Media** – National Alliance to End Homelessness
- **Systems of Care Infrastructure Toolkit: Communication** – National Technical Assistance and Evaluation Center for Systems of Care
- **Systems of Care Infrastructure Toolkit: Strategic Planning** – National Technical Assistance and Evaluation Center for Systems of Care
- **Use of Communication in Quality Improvement** – Child Welfare Information Gateway

## Developing the Recommendations

Carefully crafted regulations are a core component of implementing legislation. The foundation for your comments can draw from multiple sources, such as stakeholder input or a review of similar policies or procedures. The comments could be questions about what is currently written or recommendations about how the text should be written.



### Important considerations for developing your comments include:

- What are the most critical points to convey in your comments?
- Have you considered the consequences of each recommendation (e.g., cost, effect on your staff, and children and families you serve)?
- What information or data will be required to support your recommendations?
- Have you reviewed regulations related to similar legislation in other jurisdictions for ideas about successful methods of implementation?
- Will each partner submit its own set of comments, or will the group submit one unified set?
- Who will take the lead in drafting the comments? Who in each partner organization will need to review and sign off on the comment submission?

**1.** What are the most critical points to convey?

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**2. What research, data, or other policies support the content of your comments?**

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### 3. Who will draft the comments?

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**4. Who will review and approve the comments prior to submission?**

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## 5. What other considerations, decisions, or next steps need to be addressed to successfully develop the comments?



### Resources

- **Final Rule by the Administration for Children and Families on the Chafee National Youth in Transition Database** (PDF – 287 KB) – U.S. Department of Health and Human Services, Administration for Children and Families. Example of the types of comments provided on legislation and the agency responses.
- **Influencing Administrations: Tasks for Writing a Public Comment** – Catherine Smith
- **Policy Matters: Setting and Measuring Benchmarks for State Policies** (PDF – 1,541 KB) – Center for the Study of Social Policy
- **PolicyForResults.org** – Provides information on research-based policy strategies to improve the lives of children and families.
- **Regulations.gov** – Federal website that allows users to search, review, and comment on Federal regulations.
- **Systems of Care Infrastructure Toolkit: Policy** – National Technical Assistance and Evaluation Center for Systems of Care

## Planning Outreach and Implementation Strategies

An effective outreach strategy will encourage buy-in and involvement of stakeholders in the development of your comments and also support education efforts after the final regulations are released. A concerted effort among many stakeholders, both internal and external to your organization, can be an effective approach to affecting the final regulation. In addition, some thought should be given to how the proposed regulations may require changes in work processes and skill requirements and the potential implications for training, coaching and supervision, data systems, and administrative practices.



### Important considerations for developing an outreach strategy include:

- After the final regulation has been approved, how will you communicate the new regulations to staff and other stakeholders (e.g., staff meetings, e-mail, newsletter article)?
- What changes within your organization will need to be made if the proposed recommendations are included in the final regulations by the government agency? For example, what types of training or other professional development will be required? What changes, if any, will be needed for staffing and recruitment? Coaching and supervision? Data or administrative systems? Manuals or forms?

## Resources

- **The Community Toolbox** – University of Kansas, Work Group for Community Health and Development Chapter about how to institutionalize an initiative.
- **Gaining Buy-in From the Front Line During Times of Change** – National Technical Assistance and Evaluation Center for Systems of Care
- **Implementation Resources Section** – California Evidence-Based Clearinghouse
- **Improving Child Welfare Outcomes Through Systems of Care: Building the Infrastructure: A Guide for Communities** (PDF – 2004 KB) – National Technical Assistance and Evaluation Center for Systems of Care
- **Improving Child Welfare Outcomes Through Systems of Care: Systems of Care Guide: Guide for Strategic Planning** (PDF – 4696 KB) – National Technical Assistance and Evaluation Center for Systems of Care
- **National Implementation Research Network (NIRN)**
- **The Role of Social Marketing in System Reform** – Child Welfare Information Gateway
- **Systems of Care Infrastructure Toolkit: Communication** – National Technical Assistance and Evaluation Center for Systems of Care
- **Systems of Care Infrastructure Toolkit: Training Development and Human Resources** – National Technical Assistance and Evaluation Center for Systems of Care
- **Use of Communication in Quality Improvement** – Child Welfare Information Gateway

# Identifying Resources

To participate in the rulemaking process, you will primarily need nonmonetary resources, such as expertise or personal connections. Your team will need a thorough understanding of the legislative and rulemaking process, how to read and interpret the applicable legal documents, and the issue area addressed by the legislation. As you identify the required resources for your initiative, you should keep in mind the partners that will be able to provide them.



**Important considerations for identifying and obtaining resources include:**

- What types of resources are needed (e.g., meeting space, knowledge, skills, relationships, funding)?
- Does your organization need any external assistance to prepare the comments, such as counsel from an attorney?

Please respond to the following:

**1. What resources will be required?**

Resource	Source	Purpose

**2. What other considerations, decisions, or next steps need to be addressed to gather adequate resources for the policy initiative?**



## Resources

- **Community Partnerships: Improving the Response to Child Maltreatment** – U.S. Department of Health and Human Services, Children’s Bureau, Office on Child Abuse and Neglect. Chapter 3 provides an overview of how to build and sustain a community partnership, including securing funding and other resources.
- **The Community Toolbox** – University of Kansas, Work Group for Community Health and Development. See Part L, which provides information about generating, managing, and sustaining financial resources, and Part M, which provides information about soliciting contributions and in-kind support.
- **Effective Financing Strategies for Systems of Care: Examples from the Field: A Resource Compendium for Developing a Comprehensive Financing Plan** (PDF – 2,809 KB) – University of South Florida, Louis de la Parte Florida Mental Health Institute, Research and Training Center for Children’s Mental Health
- **Finding Federal Funding** – The Finance Project
- **Grants.gov** – U.S. Department of Health and Human Services
- **Management and Supervision Funding** – Child Welfare Information Gateway
- **Maximizing Program Services Through Private Sector Partnerships and Relationships: A Guide for Faith- and Community-Based Service Providers** (PDF – 2,590 KB) – U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment
- **Systems of Care Infrastructure Toolkit: Finance** – National Technical Assistance and Evaluation Center for Systems of Care

## Wrap-Up

Carefully thinking through the considerations and responding to the questions in each of the preceding sections of the Action Plan Form can help your policy team systematically plan and set the groundwork for a successful response to draft regulations. Additionally, you can use this information to complete the Next Steps Template, which is at the end of this document. You can share your Action Plan, including the Next Steps Template, with partners and other stakeholders to further develop the decisions and strategies. Furthermore, you can review this document throughout your policy initiative and amend it as needed.

As you proceed with your response to draft regulations, remember that there is not a one-size-fits-all policy process. You should remain flexible in your approach, which will better enable you and your partners to work within an ever-changing social and political environment. Additionally, keep in mind that policy change is only one component in a comprehensive and ongoing change process and needs to be implemented in conjunction with supportive infrastructure elements. Above all, though, remember the ultimate underlying goal in your policy efforts: improving the lives of children and families.

## Next Steps Template

This template can be used to develop a step-by-step plan for your policy initiative. Under activities, refer to the key aspects of a policy initiative that are outlined in the Policy Action Guide (e.g., establishing leadership, identifying partners, developing an outreach strategy). For the tasks, review the responses you provided as you went through the Policy Action Guide and think about the next steps required to successfully achieve each activity (e.g., sending an introductory email to stakeholders, coordinating an event). For each task, designate who will be responsible, the anticipated timeframe, and expected outcomes or products. The level of detail is up to you, but more specificity in the planning stage may make the implementation process easier to manage. You can update the last column (Status) as the initiative proceeds in order to help you track progress.

Activity	Task	Person Responsible	Estimated Start Date	Estimated Completion Date	Expected Outcome(s) or Product(s)	Status (e.g., Not Started, In Progress, Completed)